

MONTANA LEGISLATIVE HISTORY

Chapter 160 1989

Bill H S 222

Original bill & history ☒ c

H. Committee on Ag, Liv & Irr

Hearing Date(s) 3/03 c

3/04 c

 c

 c

Date Out c

S. Committee on Ag, Liv & Irr

Hearing Date(s) 2/01 c

2/01 c

 c

 c

Did this bill originate in an interim committee? Yes No

Committee

Report

SENATE FINAL STATUS

2/06	REVISED FISCAL NOTE RECEIVED		
2/06	REVISED FISCAL NOTE PRINTED		
2/07	2ND READING DO PASS MOTION FAILED	19	30
2/07	2ND READING INDEFINITELY POSTPONED	37	12

SB 221 INTRODUCED BY TVEIT, ET AL.
IMPOSE 35-MPH SPEED LIMIT ON HIGHWAY BEING SURVEYED

1/25	INTRODUCED		
1/25	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/09	HEARING		
2/13	COMMITTEE REPORT--BILL PASSED		
2/15	2ND READING PASSED	50	0
2/17	3RD READING PASSED	47	3

	TRANSMITTED TO HOUSE		
2/21	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/02	HEARING		
3/03	COMMITTEE REPORT--BILL CONCURRED		
3/06	2ND READING CONCURRED	89	0
3/07	3RD READING CONCURRED	81	12

	RETURNED TO SENATE		
3/13	SIGNED BY PRESIDENT		
3/14	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 173	EFFECTIVE DATE:	10/01/89

SB 222 INTRODUCED BY TVEIT, ET AL.
PROVIDE FOR PASSING OF TITLE TO CATTLE FROM
AUCTION YARD

1/25	INTRODUCED		
1/25	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
2/01	HEARING		
2/02	COMMITTEE REPORT--BILL PASSED		
2/04	2ND READING PASSED	47	0
2/07	3RD READING PASSED	50	0

	TRANSMITTED TO HOUSE		
2/21	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIG.		
3/03	HEARING		
3/04	COMMITTEE REPORT--BILL CONCURRED		
3/06	2ND READING CONCURRED	89	0
3/07	3RD READING CONCURRED	95	0

	RETURNED TO SENATE		
3/13	SIGNED BY PRESIDENT		
3/14	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 160	EFFECTIVE DATE:	10/01/89

SB 223 INTRODUCED BY KEATING, ET AL.
REVISE THE MAJOR FACILITY SITING ACT DEFINITION
OF "UTILITY"

1/25	INTRODUCED
1/25	REFERRED TO NATURAL RESOURCES

2

CHAIRMAN--TOM BECK
SECRETARY--JAELENE JOHNSON
NORMAL SCHEDULE==> SITE: ROOM 413/415

COMMITTEE--(S) AGRICULTURE
DAYS: M,W,F TIME: 1:00 P.M.

OFFICE--ROOM 439

REFER
BILL ==== DATE === LATEST DATE/ACTION ON BILL ===== NOTE: BILL WILL BE LISTED TWICE IF REREFERRED BACK TO THE SAME COMMITTEE =====

SB 13	01/02 04/24--TABLED IN COMMITTEE SPONSOR: WEEDING, CECIL	TITLE-INTERSTATE COMPACT ON AGRICULTURAL GRAIN MARKETING
SB 28	01/02 03/08--(H) TABLED IN COMMITTEE SPONSOR: MEYER, DARRYL	(H) AGRICULTURE, LIVESTOCK & IRRIG TITLE-CLARIFY DEFINITION OF VETERINARY MEDICINE
SB 32	01/02 04/24--TABLED IN COMMITTEE SPONSOR: JENKINS, LOREN	TITLE-PROVIDE DISTRIBUTION OF CONSERVATION RESERVE PROGRAM RENTAL PAYMENTS
SB 32	01/12 04/24--TABLED IN COMMITTEE SPONSOR: JENKINS, LOREN	TITLE-PROVIDE DISTRIBUTION OF CONSERVATION RESERVE PROGRAM RENTAL PAYMENTS
SB 57	01/03 03/20--(S) CHAPTER NUMBER SPONSOR: JENKINS, LOREN	EFFECTIVE DATE: 03/18/89 TITLE-AMEND CUSTOM COMBINERS' TAX
SB 81	01/07 03/22--(S) CHAPTER NUMBER SPONSOR: PINSONEAULT, DICK	<i>1/10 rereferred to Highways</i> EFFECTIVE DATE: 03/22/89 TITLE-CONTINUE PROVISION PRECLUDING HIGHWAY RESTRICTIONS ON HAULING AGRI. SEEDS
SB 111	01/10-25 04/25--(S) SIGNED BY PRESIDENT SPONSOR: BOYLAN, PAUL	TITLE-GENERALLY REVISE PRACTICE OF VETERINARY MEDICINE
SB 111	02/13 04/25--(S) SIGNED BY PRESIDENT SPONSOR: BOYLAN, PAUL	TITLE-GENERALLY REVISE PRACTICE OF VETERINARY MEDICINE
SB 166	01/17 04/21--(S) CHAPTER NUMBER SPONSOR: BENGTON, ESTHER	EFFECTIVE DATE: 04/21/89 TITLE-PROVIDES FOR ADMINISTRATION OF TEMPORARY PRELIMINARY AND PRELIMINARY DECREES
SB 167	01/17 04/20--(S) CHAPTER NUMBER SPONSOR: BENGTON, ESTHER	EFFECTIVE DATE: 04/21/89 TITLE-REOPENS WATER RIGHT DECREES FOR OBJECTIONS ON ISSUES NOT PREVIOUSLY RESOLVED
SB 168	01/17 04/04--(S) CHAPTER NUMBER SPONSOR: BENGTON, ESTHER	EFFECTIVE DATE: 10/01/89 TITLE-ALLOWS CORRECTION OF CLERICAL MISTAKES IN FINAL DECREES OF WATER RIGHTS
SB 169	01/17 04/21--(S) CHAPTER NUMBER SPONSOR: BENGTON, ESTHER	EFFECTIVE DATE: 04/21/89 TITLE-PROVIDES FOR TEMPORARY PRELIMINARY DECREES AND FOR OBJECTIONS ON THE DECREES
SB 176	01/18 03/20--(S) CHAPTER NUMBER SPONSOR: DEVLIN, GERRY	EFFECTIVE DATE: 10/01/89 TITLE-IMPOSE \$25 LATE PAYMENT PENALTY ON STATE AGRICULTURAL AND GRAZING LEASES
SB 183	01/18 03/18--(S) CHAPTER NUMBER SPONSOR: ABRAMS, HUBERT	EFFECTIVE DATE: 03/18/89 TITLE-INCLUDES LITTLE MISSOURI RIVER BASIN IN THE WATER RESERVATION PROCESS
SB 213	01/21 03/20--(S) CHAPTER NUMBER SPONSOR: HOFMAN, SAM	EFFECTIVE DATE: 10/01/89 TITLE-INCREASING THE ALLOWABLE SEED OR GRAIN LIEN TO AMOUNT OF PURCHASE PRICE
SB 222	01/25 03/20--(S) CHAPTER NUMBER SPONSOR: TVEIT, LARRY	EFFECTIVE DATE: 10/01/89 TITLE-PASSING OF TITLE TO CATTLE FROM AUCTION YARD
SB 228	01/25 04/24--TABLED IN COMMITTEE SPONSOR: HAGER, TOM	TITLE-KILLING DOGS THAT DESTROY OR MAIM POULTRY
SB 233	01/25 03/20--(S) CHAPTER NUMBER SPONSOR: MANNING, DICK	EFFECTIVE DATE: 03/20/89 TITLE-AUTHORIZE MULE RACING
SB 254	01/26 04/24--TABLED IN COMMITTEE	

SENATE BILL NO. 222

INTRODUCED BY TVEIT, JOHNSON, GILBERT,
DEVLIN, L. NELSON, STEPPLER, KELLER, HAYNE,
T. NELSON, ANDERSON, ABRAMS, WEEDING, JERGESON

IN THE SENATE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. FIRST READING.
FEBRUARY 2, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 3, 1989	PRINTING REPORT.
FEBRUARY 4, 1989	SECOND READING, DO PASS.
FEBRUARY 6, 1989	ENGROSSING REPORT.
FEBRUARY 7, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 7, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
FEBRUARY 20, 1989	FIRST READING.
MARCH 4, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 6, 1989	SECOND READING, CONCURRED IN.
MARCH 7, 1989	THIRD READING, CONCURRED IN. AYES, 95; NOES, 0. RETURNED TO SENATE.

4

IN THE SENATE

MARCH 8, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

5

1 *Senate* BILL NO. *222*
 2 INTRODUCED BY *Treit Johnson*
 3 *L. Nelson Steppley J. Keller K. Loefer J. Nelson*
 4 *Anderson* A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE
 5 PROVISIONS FOR PASSING OF TITLE TO CATTLE RELEASED FROM AN
 6 AUCTION YARD; AND AMENDING SECTION 30-2-401, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 30-2-401, MCA, is amended to read:

10 "30-2-401. Passing of title -- reservation for
 11 security -- limited application of this section. Each
 12 provision of this chapter with regard to the rights,
 13 obligations and remedies of the seller, the buyer,
 14 purchasers or other third parties applies irrespective of
 15 title to the goods except where the provision refers to such
 16 title. Insofar as situations are not covered by the other
 17 provisions of this chapter and matters concerning title
 18 become material the following rules apply:

19 (1) Title to goods cannot pass under a contract for
 20 sale prior to their identification to the contract
 21 (30-2-501), and unless otherwise explicitly agreed the buyer
 22 acquires by their identification a special property as
 23 limited by this code. Any retention or reservation by the
 24 seller of the title (property) in goods shipped or delivered
 25 to the buyer is limited in effect to a reservation of a

1 security interest. Subject to these provisions and to the
 2 provisions of the Chapter on Secured Transactions (Chapter
 3 9), title to goods passes from the seller to the buyer in
 4 any manner and on any conditions explicitly agreed on by the
 5 parties.

6 (2) Unless otherwise explicitly agreed title passes to
 7 the buyer at the time and place at which the seller
 8 completes his performance with reference to the physical
 9 delivery of the goods, despite any reservation of a security
 10 interest and even though a document of title is to be
 11 delivered at a different time or place; and in particular
 12 and despite any reservation of a security interest by the
 13 bill of lading:

14 (a) if the contract requires or authorizes the seller
 15 to send the goods to the buyer but does not require him to
 16 deliver them at destination, title passes to the buyer at
 17 the time and place of shipment; but

18 (b) if the contract requires delivery at destination,
 19 title passes on tender there.

20 (3) Unless otherwise explicitly agreed where delivery
 21 is to be made without moving the goods,

22 (a) if the seller is to deliver a document of title,
 23 title passes at the time when and the place where he
 24 delivers such documents; or

25 (b) if the goods are at the time of contracting

1 already identified and no documents are to be delivered,
2 title passes at the time and place of contracting.

3 (4) For transactions involving interstate shipment of
4 cattle or cattle being released from auction yards for
5 interstate shipment the seller may issue a regular title or
6 bill of sale, or give a conditional transfer of title or
7 bill of sale. The conditional transfer of title or bill of
8 sale is fully validated and the title passes when the
9 following conditions are met:

10 (a) the bank on which the buyer's warrant, check, or
11 draft was drawn, notifies the seller, or his designated
12 bank, that the instrument of payment has cleared the bank
13 for payment, and

14 (b) a copy of the notification from the buyer's bank
15 is attached to the conditional transfer of title or bill of
16 sale.

17 (5) A rejection or other refusal by the buyer to
18 receive or retain the goods, whether or not justified, or a
19 justified revocation of acceptance revests title to the
20 goods in the seller. Such revesting occurs by operation of
21 law and is not a "sale".

-End-

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By Chairman Beck, on February 1, 1989, at
1:00 p.m.

ROLL CALL

Members Present: Senators: Hubert Abrams, Gary Aklestad,
Esther Bengtson, Gerry Devlin, Jack Galt, Greg
Jergeson, Gene Thayer, Bob Williams, Chairman Beck.

Members Excused: None

Members Absent: None

Staff Present: Doug Sternberg, Legislative Council

Announcements/Discussion: Montana State University tour.
See exhibit 10.

HEARING ON SENATE BILL 228

Presentation and Opening Statement by Sponsor: Senator
Hager, District 48, stated this is a bill that was put
in at the request of our county dog warden in
Yellowstone county. We ran into a situation out in
Shepherd where dogs were attacking someone's poultry.
As the law reads now owners are allowed to kill dogs
that are killing livestock.

List of Testifying Proponents and What Group They Represent:

John Lawton representing Yellowstone County

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Proponent:

John Lawton-"I talked to the Yellowstone County Sheriff's
office today and also the Yellowstone County
Commissioners. They were planning to be here today,
but they cannot because of the weather. So they asked

me to stand up and indicate to you that they are in support of this bill."

Questions From Committee Members: Senator Aklestad-"I was wondering instead of specifying stock and poultry and that would be domestic animals or what? So we don't have another bill coming in next time that somebody didn't get covered." Senator Hager-"I don't know, I guess you would have to look into that."

Senator Aklestad-"Did you research domestic animals?"
Senator Hager-"No, I didn't."

Senator Jergeson-"Does this mean I can sic my dog on the neighbor's poultry?" Senator Hager-"Ya, then the neighbor shoots you."

Senator Williams-"Would this be considered a dog bill or kind of a foul piece of legislation?"

Senator Thayer-"What was the reason that prompted this legislation? Did the dog get in and kill the poultry or was the poultry running at large?" Senator Hager-"I didn't talk to him specific about this case. He said he needed the law because he thought the intent was already there but it didn't spell it out."

Senator Beck-"If right now the way the law is, if I shot the dog that was killing my chickens, then I could be held liable for the cost of the dog? But if this law goes through then that will reverse that liability and that the dog owner will be liable for the dead chickens?"
Senator Hager-"I believe that's the intention."

Closing by Sponsor: Senator Hager-"There is a problem and I hope you will handle this because I think it is a dog gone good bill."

HEARING ON SENATE BILL 222

Presentation and Opening Statement by Sponsor: Senator Tveit, District 11, indicated this was an act to extend the provisions for passing of title to cattle released from an auction yard. "Up until this time and I didn't even realize it, the auction yards have been left out of the present law. Once the cattle leave the action yards they don't have any legal hold on those cattle. To clean up they want to be amended into this present law."

List of Testifying Proponents and What Group They Represent:

Les Graham representing the Department of Livestock
Jerry Jack representing the Montana Stockgrowers Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:
Proponents:

Les Graham-see exhibit 1. Mr. Graham explained, "It's not in itself a cure-all, if there's a bad check for cattle. But we have found out in the past 10 or 15 years this, that when cattle get into the midwestern states by that time the check is on its course and it comes back insufficient funds.

The states attorneys or attorney generals or whatever backin those states really will cooperate with us probably 90% more if one of those conditional bill of sales have been signed and if they have not." See exhibit 2. Mr. Graham stated-"You can see now that sales in the county you're allowed at your option to sign either one of these two."

Jerry Jack-"We would ask you pass SB 222."

Questions From Committee Members: None

Closing by Sponsor: Senator Tveit closed.

DISPOSITION OF SENATE BILL 222

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Galt moved to DO PASS SB 222; the motion was seconded by Senator Devlin. SB 222 passed unanimously. Senator Aklestad requested to place SB 222 on the consent calendar. The vote was unanimous.

HEARING ON SENATE BILL 300

Presentation and Opening Statement by Sponsor: Senator Aklestad, District 6, stated SB 300 is an act to revise

S.B. 222

Summary.

The language included in S.B. 222 simply allows the law to include auction market cattle to be released to the buyer just as we now do with cattle inspected in non-market situations. It is one of many tools that may be used to protect our livestock producers, livestock buyers, and auction markets.

Les Graham
Dept of Livestock

ROLL CALL

AGRICULTURE COMMITTEE

DATE 2/1/89

51st LEGISLATIVE SESSION 1989

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HUBERT ABRAMS	✓		
SENATOR GARY AKLESTAD	✓		
SENATOR ESTHER BENGTSON	✓		
SENATOR GERRY DEVLIN	✓		
SENATOR JACK GALT	✓		
SENATOR GREG JERGESON	✓		
SENATOR GENE THAYER	✓		
SENATOR BOB WILLIAMS	✓		
SENATOR TOM BECK	✓		

Each day attach to minutes.

12

BILL OF SALE

SENATE AGRICULTURE

EXHIBIT NO. 2

2/1/89

I hereby certify that I have presented the Livestock described, here on, for inspection on this date

DATE

and sell said livestock this date to

BILL NO.

58222

HEAD COUNT	HEAD COUNT	HEAD COUNT	TOTAL	BRAND & LOCATION	DESCRIPTION
GELD	STUD	MULE			
MARE	COLT	OTHER			
HEAD COUNT	HEAD COUNT	HEAD COUNT	TOTAL	BRAND & LOCATION	DESCRIPTION
STR	HFR	STR CALF			
COW	BULL	HFR CALF			

For the sum of one and no/100 _____ dollars
as part or full payment of the livestock of which I guarantee title and free from encumbrance.

I hereby covenant with the said guarantee that I am the lawful owner of said livestock, that I have a good right to
sell the same, that I will warrant and defend the same against lawful claim and demands of all persons.

Conditional Bill of Sale

As permitted by Sec. 30-2-401-(4) MCA. I hereby elect to make
passage of title to within described livestock going into inter-
state commerce conditioned upon notification to me by buyers
bank, that the instrument of payment has cleared.

Seller _____

Address _____

Town _____ State _____ Zip _____

Full Title Bill of Sale

Seller _____

Address _____

Town _____ State _____ Zip _____

21 / 2

DATE _____

VISITORS' REGISTER

[illegible]

BEST COPY AVAILABLE

SENATE STANDING COMMITTEE REPORT

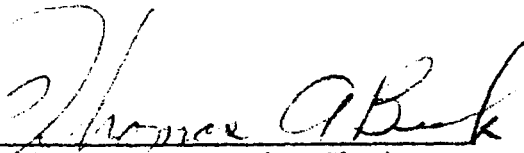
February 1, 1989

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation, having had under consideration SB 222 (first reading copy -- white), respectfully report that SB 222 do pass.

DO PASS

Signed: _____


Thomas A. Beck, Chairman

STATUS SHEET

51ST LEGISLATIVE SESSION

Agriculture, Livestock and Irrigation COMMITTEE

BILL NUMBER	ENTERED COM. DATE	DATE CON- SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON- CURRED IN DATE	BE NOT CON- CURRED IN DATE	BE CON- CURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
SB176	2/21	3/3	3/3					3/3			
SB213	2/21	3/3	3/3					3/3			
SB222	2/21	3/3	3/3					3/3			
SB233	2/21	3/3	3/3					3/3			
SB300	2/21	3/6	3/6					3/6			
SB320	2/21	3/6	3/6					3/6			
SB28	2/22	3/8	3/8			"tabled"					
SB111	2/22	3/8	3/17							3/17	
SB357	2/22	3/8	3/8							3/8	
SB386	2/22	3/10	3/10					3/10			
SB387	2/22	3/10	3/10					3/10			
SB432	2/28	3/10	3/17							3/17	

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

1 *Senate* BILL NO. *222*
 2 INTRODUCED BY *Tweitt Johnson*
 3 *L. Nelson Stepp* *John Nelson*
 4 A *Anderson* BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE
 5 PROVISIONS FOR PASSING OF TITLE TO CATTLE RELEASED FROM AN
 6 AUCTION YARD; AND AMENDING SECTION 30-2-401, MCA."

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 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 **Section 1.** Section 30-2-401, MCA, is amended to read:

10 "30-2-401. Passing of title -- reservation for
 11 security -- limited application of this section. Each
 12 provision of this chapter with regard to the rights,
 13 obligations and remedies of the seller, the buyer,
 14 purchasers or other third parties applies irrespective of
 15 title to the goods except where the provision refers to such
 16 title. Insofar as situations are not covered by the other
 17 provisions of this chapter and matters concerning title
 18 become material the following rules apply:

19 (1) Title to goods cannot pass under a contract for
 20 sale prior to their identification to the contract
 21 (30-2-501), and unless otherwise explicitly agreed the buyer
 22 acquires by their identification a special property as
 23 limited by this code. Any retention or reservation by the
 24 seller of the title (property) in goods shipped or delivered
 25 to the buyer is limited in effect to a reservation of a

1 security interest. Subject to these provisions and to the
 2 provisions of the Chapter on Secured Transactions (Chapter
 3 9), title to goods passes from the seller to the buyer in
 4 any manner and on any conditions explicitly agreed on by the
 5 parties.

6 (2) Unless otherwise explicitly agreed title passes to
 7 the buyer at the time and place at which the seller
 8 completes his performance with reference to the physical
 9 delivery of the goods, despite any reservation of a security
 10 interest and even though a document of title is to be
 11 delivered at a different time or place; and in particular
 12 and despite any reservation of a security interest by the
 13 bill of lading:

14 (a) if the contract requires or authorizes the seller
 15 to send the goods to the buyer but does not require him to
 16 deliver them at destination, title passes to the buyer at
 17 the time and place of shipment; but

18 (b) if the contract requires delivery at destination,
 19 title passes on tender there.

20 (3) Unless otherwise explicitly agreed where delivery
 21 is to be made without moving the goods,

22 (a) if the seller is to deliver a document of title,
 23 title passes at the time when and the place where he
 24 delivers such documents; or

25 (b) if the goods are at the time of contracting

1 already identified and no documents are to be delivered,
2 title passes at the time and place of contracting.

3 (4) For transactions involving interstate shipment of
4 cattle or cattle being released from auction yards for
5 interstate shipment the seller may issue a regular title or
6 bill of sale, or give a conditional transfer of title or
7 bill of sale. The conditional transfer of title or bill of
8 sale is fully validated and the title passes when the
9 following conditions are met:

10 (a) the bank on which the buyer's warrant, check, or
11 draft was drawn, notifies the seller, or his designated
12 bank, that the instrument of payment has cleared the bank
13 for payment, and

14 (b) a copy of the notification from the buyer's bank
15 is attached to the conditional transfer of title or bill of
16 sale.

17 (5) A rejection or other refusal by the buyer to
18 receive or retain the goods, whether or not justified, or a
19 justified revocation of acceptance revests title to the
20 goods in the seller. Such reversion occurs by operation of
21 law and is not a "sale".

-End-

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By Chairman Bob Bachini, on March 3rd 1989, at
3:30 p.m.

ROLL CALL

Members Present: All were present

Members Excused: none

Members Absent: none

Staff Present: Ms. Connie Erickson, Legislative Council and Ms.
Maureen Cleary, Committee Secretary

Announcements/Discussion: Chairman Bachini: Announced that
anyone from the Agriculture Committee was welcomed to sit-in
on the Appropriations Committee's hearing for Rep. Larry
Grinde's bill on CRP program.

HEARING ON SENATE BILL 176

Presentation and Opening Statement by Sponsor:

SENATOR GERRY DEVLIN: Senate District #13. At the request of the
Dept. of State Lands I bring before you this bill. This
bill will provide a penalty for late payments on leases of
land.

Testifying Proponents and Who They Represent:

Mr. John North/ Dept. of State Lands, Helena

Ms. Kim Enkerud/ MT. Assoc. of State Grazing Districts, MT.
Cattle Women, MT. Stockgrowers Assoc.

Mr. Marvin Barber/ Agricultural Preservation Association,
Gallatin Valley

Proponent Testimony:

Mr. North: (See Exhibit #1)

Ms. Enkerud: (See Exhibit #2)

Mr. Barber: We support this bill and feel that a penalty is a
good sound business practice.

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS
THIS BILL IS "TO BE CONCURRED IN".

HEARING ON SENATE BILL 222

Presentation and Opening Statement by Sponsor:

SENATOR LARRY TVEIT: Senate District #11. The auction markets came to me with this bill. This bill is adds auction yards to the present law in regard to interstate travel of cattle. (See Exhibit #3)

Testifying Proponents and Who They Represent:

Mr. Les Graham/ Dept. of Livestock, Helena

Mr. Jerry Jack/ MT. Stockgrowers Assoc., Farmers Union, MT.
Cattle Women, Association of State Grazing Districts

Proponent Testimony:

Mr. Graham: We feel that this bill is deserving of your support. Basically this bill will allow the auction market the same privileges as a private party in regard to the current law.

Mr. Jack: We strongly urge your support of this bill.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members: none

Closing by Sponsor:

Sen. Tveit: It is a good bill that will help the auction yards.

DISPOSITION OF SENATE BILL 222

Motion: Rep. Kasten: made the motion "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS
THIS BILL IS "TO BE CONCURRED IN".

P

DAILY ROLL CALL

AGRICULTURE

COMMITTEE

50th LEGISLATIVE SESSION -- 1989

Date March 3.

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Bachini, Chairman	✓		
Rep. Francis Koehnke, Vice Ch.	✓		
Rep. Gene DeMars	✓		
Rep. Jerry Driscoll	✓		
Rep. Jim Elliot	✓		
Rep. Linda Nelson	✓		
Rep. Bob Ream	✓		
Rep. Don Steppler	✓		
Rep. Vernon Westlake	✓		
Rep. Duane Compton	✓		
Rep. Orval Ellison	✓		
Rep. Bert Guthrie	✓		
Rep. Marian Hanson	✓		
Rep. Harriet Hayne	✓		
Rep. Betty Lou Kasten	✓		
Rep. Vernon Keller	✓		
Rep. John Patterson	✓		

S.B. 222

EXHIBIT #3
DATE 3/3
HB SB 222

Summary.

The language included in S.B. 222 simply allows the law to include auction market cattle to be released to the buyer just as we now do with cattle inspected in non-market situations. It is one of many tools that may be used to protect our livestock producers, livestock buyers, and auction markets.

VISITORS' REGISTER

Agriculture COMMITTEE

BILL NO. SB 222

DATE March 3

SPONSOR _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

March 3, 1989

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Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that SENATE BILL 222 (blue reading copy) be concurred in .

Signed: _____

Bob Bachini
Bob Bachini, Chairman

[REP. JOHNSON WILL CARRY THIS BILL ON THE HOUSE FLOOR]

1 SENATE BILL NO. 222

2 INTRODUCED BY TVEIT, JOHNSON, GILBERT,

3 DEVLIN, L. NELSON, STEPPLER, KELLER, HAYNE,

4 T. NELSON, ANDERSON, ABRAMS, WEEDING, JERGESON

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE
7 PROVISIONS FOR PASSING OF TITLE TO CATTLE RELEASED FROM AN
8 AUCTION YARD; AND AMENDING SECTION 30-2-401, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 30-2-401, MCA, is amended to read:

12 "30-2-401. Passing of title -- reservation for
13 security -- limited application of this section. Each
14 provision of this chapter with regard to the rights,
15 obligations and remedies of the seller, the buyer,
16 purchasers or other third parties applies irrespective of
17 title to the goods except where the provision refers to such
18 title. Insofar as situations are not covered by the other
19 provisions of this chapter and matters concerning title
20 become material the following rules apply:

21 (1) Title to goods cannot pass under a contract for
22 sale prior to their identification to the contract
23 (30-2-501), and unless otherwise explicitly agreed the buyer
24 acquires by their identification a special property as
25 limited by this code. Any retention or reservation by the

1 seller of the title (property) in goods shipped or delivered
2 to the buyer is limited in effect to a reservation of a
3 security interest. Subject to these provisions and to the
4 provisions of the Chapter on Secured Transactions (Chapter
5 9), title to goods passes from the seller to the buyer in
6 any manner and on any conditions explicitly agreed on by the
7 parties.

8 (2) Unless otherwise explicitly agreed title passes to
9 the buyer at the time and place at which the seller
10 completes his performance with reference to the physical
11 delivery of the goods, despite any reservation of a security
12 interest and even though a document of title is to be
13 delivered at a different time or place; and in particular
14 and despite any reservation of a security interest by the
15 bill of lading:

16 (a) if the contract requires or authorizes the seller
17 to send the goods to the buyer but does not require him to
18 deliver them at destination, title passes to the buyer at
19 the time and place of shipment; but

20 (b) if the contract requires delivery at destination,
21 title passes on tender there.

22 (3) Unless otherwise explicitly agreed where delivery
23 is to be made without moving the goods,

24 (a) if the seller is to deliver a document of title,
25 title passes at the time when and the place where he

1 delivers such documents; or

2 (b) if the goods are at the time of contracting
3 already identified and no documents are to be delivered,
4 title passes at the time and place of contracting.

5 (4) For transactions involving interstate shipment of
6 cattle or cattle being released from auction yards for
7 interstate shipment the seller may issue a regular title or
8 bill of sale, or give a conditional transfer of title or
9 bill of sale. The conditional transfer of title or bill of
10 sale is fully validated and the title passes when the
11 following conditions are met:

12 (a) the bank on which the buyer's warrant, check, or
13 draft was drawn, notifies the seller, or his designated
14 bank, that the instrument of payment has cleared the bank
15 for payment, and

16 (b) a copy of the notification from the buyer's bank
17 is attached to the conditional transfer of title or bill of
18 sale.

19 (5) A rejection or other refusal by the buyer to
20 receive or retain the goods, whether or not justified, or a
21 justified revocation of acceptance revests title to the
22 goods in the seller. Such reversion occurs by operation of
23 law and is not a "sale".

-End-